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3 PAULA P. COHEN, on behalf of the United  
4 States of America,

5 Plaintiff/Relator,

6 v.

7 LISA TRESCA, MICHAEL QUIROGA, and  
8 DOES 1-100, inclusive,

9 Defendants.

10 No. C 12-02301 SI

11 **ORDER FOR PLAINTIFF'S COUNSEL  
TO SHOW CAUSE**

12 \_\_\_\_\_ /  
13 This qui tam case was filed on behalf of relator Paula F. Cohen on May 8, 2012. The United  
14 States declined to intervene and the case was unsealed on July 16, 2012. On August 13, 2012, the Court  
15 issued an ORDER TO SHOW CAUSE, requiring plaintiff to show cause in writing why she failed to  
16 appear at the Court's August 10, 2012 Case Management Conference and whether she intended to  
17 continue with this action. Docket No. 4. Additionally, plaintiff was ordered to serve defendants no later  
18 than September 5, 2012. This Court cautioned that, if plaintiff failed to do so, this action would be  
19 dismissed without prejudice in accordance with Rule 4(m). *Id.* Plaintiff did not respond to the OSC.  
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21 On September 5, 2012, plaintiff filed a First Amended Qui Tam Complaint. Plaintiff did not  
22 address whether she had served defendants and there was no evidence that plaintiff had served  
23 defendants or otherwise complied with the Court's order re service. As such, on September 7, 2012,  
24 the Court dismissed the case without prejudice for failure to timely serve under Rule 4(m). Docket No.  
25 7.  
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27 On October 12, 2012, plaintiff's counsel John W. Reed filed a notice of the death of plaintiff and  
28 a request to be allowed thirty days to serve defendants and substitute the estate of Paula P. Cohen as  
plaintiff. Docket No. 9. In support of that request, Mr. Reed attached a copy of Paula Cohen's death  
certificate. According to that death certificate, Mr. Reed actually reported Ms. Cohen's death to the  
authorities on or about January 16, 2012 – which was some four months prior to his filing of this action

1 on her behalf. Mr. Reed's residence was listed as the "place of final disposition." *See* Docket No. 9-1.

2 It appears, therefore, that John W. Reed filed this case on May 8, 2012 on behalf of a client he  
3 personally knew was dead. Therefore, Mr. Reed is ORDERED TO SHOW CAUSE in a writing filed  
4 with this Court on or before **November 30, 2012**, why he should not be sanctioned for unprofessional  
5 conduct in the practice of law before this Court. Such sanctions may include referral to the Standing  
6 Committee on Professional Conduct, the Chief Judge, or another appropriate disciplinary authority in  
7 California or the Northern District. *See* L.R. 11-6 (a). A hearing on this Order To Show Cause will be  
8 held **December 7, 2012** at 9:00 a.m.

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10 **IT IS SO ORDERED.**

11 Dated: November 6, 2012

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14 SUSAN ILLSTON  
United States District Judge